



Frank H. Murkowski, Governor

**Department of Community  
and Economic Development**

**Division of Community and Business Development**

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March 4, 2003

Mr. Kenneth L. Klawunder  
Petitioner's Representative  
P.O. Box 156  
Gustavus, Alaska 99826-0156

Dear Mr. Klawunder:

On January 22, 2003, the Department of Community and Economic Development (hereinafter "DCED") received the petition for incorporation of the City of Gustavus as a second class city (hereinafter "Petition"). DCED has completed the technical review of the Petition in the manner and according to the deadline set out in 3 AAC 110.440. The Petition was determined to be substantially complete and in proper form. Accordingly, the Petition is hereby accepted for filing.

Accepting the Petition for filing marks the beginning of the opportunity for formal review and comment on the merits of the proposal by interested individuals and organizations. It does not imply that either DCED or the Local Boundary Commission has taken a position with respect to the proposal. DCED will present its formal analysis of the proposal after it has further examined the Petition and considered timely responsive briefs and comments, along with the Petitioners' reply to those responsive briefs and comments.

In accordance with 3 AAC 110.450, you, as Petitioner's Representative, must give public notice of the filing of the Petition. Further, 3 AAC 110.460 requires that you serve a copy of the Petition on certain entities. Proof of compliance with the notice and service requirements must be provided under 3 AAC 110.470. Please read and follow the instructions carefully. A summary listing of the requirements is enclosed to assist you in that regard.

**Public Notice of the Filing of the Petition and Opportunity for Comment.**

In accordance with 3 AAC 110.640(a), the Chairman of the Local Boundary Commission has set 4:30 p.m., Friday, May 2, 2003 as the deadline for the receipt in this office of responsive briefs and written comments concerning the Petition.

*"Promoting a healthy economy and strong communities"*

Public notice of the filing of the Petition must be given by publication, posting, and mailing in accordance with 3 AAC 110.450. The following specific requirements must be met.

- ✓ **Publication.** 3 AAC 110.450(a)(1) requires you to publish public notice of the filing of the Petition in a display ad format once each week for three consecutive weeks in one or more newspapers of general circulation designated by the department. DCED is required by 3 AAC 110.450(b) to specify the wording of the notice.

The Petition lists the *Icy Passages*, the *Juneau Empire*, and the *Capital City Weekly* as the newspapers serving Gustavus. DCED hereby designates the *Juneau Empire* as the newspaper for publication of the notice of the filing of the Petition. Publication of the notice in the *Icy Passages* and *Capital Weekly* is left to your discretion.

To facilitate the required publication, we have arranged on your behalf for publication of the notice in the *Juneau Empire* on Sunday, March 9, Wednesday, March 19, and Friday March 28. Since it is the Petitioner's responsibility for publication of the notice, billings for those publications will be sent to you for payment.

In the event that you elect to publish the notice in the *Icy Passages* and *Capital Weekly*, DCED is providing you with the enclosed a camera-ready copy of the notice for each of those newspapers.

DCED will arrange for the notice to be published on the State's Internet website, Online Public Notices <<http://notes3.state.ak.us/pn/pubnotic.nsf>>. DCED will also publish the notice on the Local Boundary Commission's Internet website <<http://www.dced.state.ak.us/cbd/lbc/lbc.htm>>.

- ✓ **Posting of Notice.** As required by 3 AAC 110.450(a)(2), notice of the filing of the Petition must be posted in *at least* the following four prominent locations readily accessible to the public within the proposed city boundaries:

1. Post Office bulletin board
2. Beartrack Mercantile bulletin board
3. Gustavus Public Library bulletin board
4. Glacier Bay National Park headquarters

The notice should be posted in locations noted above no later than March 13.

Under 3 AAC 110.450(a)(3), you must ensure that the notice remains posted at all locations until the close of the comment period on May 2.

✓ ***Notice to Specific Individuals and Organizations.***

Under 3 AAC 110.450(a)(4), you must hand deliver or mail, postage prepaid, the notice of the filing of the Petition, correctly addressed to all municipalities having jurisdictional boundaries extending within twenty miles of the proposed City of Gustavus boundaries. The Petition identifies two such municipalities. Those are listed below:

City of Hoonah  
P.O. Box 360  
Hoonah, AK 99829

Haines Borough  
P.O. Box 1049  
Haines, AK 99827

Additionally, DCED directs that you provide notice of the filing of the Petition to the following:

Hoonah Indian Association  
P.O. Box 602  
Hoonah, AK 99829

The notice should be mailed to those organizations no later than March 10, 2003.

DCED will provide notice of the filing of the Petition to appropriate State officials, including members of the Local Boundary Commission, the heads of principal agencies, and others. A list of State officials to whom DCED has provided notice will be mailed to you shortly.

***Request for Public Service Announcement.*** 3 AAC 110.450(a)(5) requires you to submit a request for a public service announcement of the filing of the Petition to *at least one* radio station or television station serving the community proposed for incorporation. The law further specifies that you must request that announcement be made for fourteen days following receipt of the request.

The Petition lists KTOO as the public radio station serving Gustavus. Please submit the public service announcement to KTOO and any other radio or television stations that you desire. The request should be mailed by March 10.

**Service of Petition.**

In accordance with 3 AAC 110.460(a), a complete copy of the Petition must be served on the City of Hoonah and the Haines Borough. This should be done by March 28, 2003. The copy and exhibits used for service must conform in size and color to the original Petition.

**Opportunity for Public Review of Petition Materials.**

In accordance with 3 AAC 110.460(b), you must make a full set of Petition documents available for public review beginning March 9 at the Gustavus Public Library. In addition to the Petition itself, the "Petition documents" include all public notices, responsive briefs, the reply brief, and DCED reports.

In addition to the Petition materials, you should provide a copy of the laws establishing standards and procedures for city incorporation. A copy of Article X, Section 7 of Alaska's constitution, AS 29.05.011, AS 29.05.021, AS 29.05.060 – AS 29.05.140, 3 AAC 110.005 - 3 AAC 110.042, 3 AAC 110.400 – 3 AAC 110.660, 3 AAC 110.900 – 3 AAC 110.990 is enclosed.

The Petition documents must be made available at the Gustavus Public Library during the times listed in the Petition. Additionally, you must "accommodate specific requests for public review of the petition documents at reasonable times in the evening and on weekend days." The Petition documents must remain available for public review through the last date on which a court could order the Local Boundary Commission to reconsider some aspect of its decision regarding the proposal.

The Petition also indicates that the Petition documents will be made available for public review at Beartrack Mercantile, U.S. Post Office Lobby, and the Glacier Bay National Park Headquarters. You are certainly free to do so at your discretion. However, DCED requires that the documents be made available at the Library.

**Additional Copies of the Petition.**

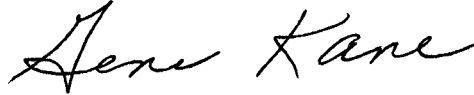
As required by 3 AAC 110.470, please provide five additional complete copies of the Petition documents to this office by April 15.

**Proof of Notice and Service.**

3 AAC 110.470 requires that you provide a sworn affidavit to this office by April 15 of the receipt of this letter documenting that the steps outlined herein have been completed. A form is enclosed for your use in that regard.

The affidavit should be submitted to Dan Bockhorst at the address noted on the letterhead. If you have questions or desire further information concerning any of the matters outlined in this letter, please call Mr. Bockhorst at 269-4559.

Cordially,

A handwritten signature in black ink that reads "Gene Kane". The signature is fluid and cursive, with the first name "Gene" and the last name "Kane" clearly distinguishable.

Gene Kane  
Acting Director

Enclosures:

1. "Public Notice – Filing of Petition to Incorporate a Second Class City of Gustavus" (8.5" X 11" format for posting);
  2. "Public Notice – Petition to Incorporate a Second Class City of Gustavus" (camera-ready version which DCED has submitted for publication in the *Juneau Empire* as a display ad);
  3. "Public Notice – Petition to Incorporate a Second Class City of Gustavus" (camera-ready version for publication in the *Icy Passages* as a display ad);
  4. Public Service Announcement of the filing of the Petition;
  5. Laws regarding standards and procedures for city incorporation (Article X, Section 7 of Alaska's constitution, AS 29.05.011, AS 29.05.021, AS 29.05.060 – AS 29.05.140, 3 AAC 110.005 - 3 AAC 110.042, 3 AAC 110.400 – 3 AAC 110.660, and 3 AAC 110.900 – 3 AAC 110.990);
  6. Summary listing of requirements for notice, service, and deposit of the Petition;
  7. Form for affidavit of notice, service, and deposit of the Petition.
- cc: Shana S. Crondahl, Petitioner's Alternate Representative  
Darroll Hargraves, Chairman, Local Boundary Commission  
Dan Bockhorst, Local Boundary Commission Staff Supervisor